



CRL OP(MD). No.18900 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18900 of 2024

Senthilkumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.393 of 2024.

... Respondent/Complainant

For Petitioner : Mr.V.Vijayendiran, Advocate

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.393 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.10.2024 for the offences under Sections 286 & 123 of BNS (hereinafter referred to as new penal code) and Section 24(1) of COTPA Act, 2003 in Crime No.393 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 09.10.2024, A1 was found in possession of prohibited Tobacco products and the same was seized from A1. Based on the confession of A1, the respondent police went to the godown of A2 and seized further prohibited Tobacco products. In total, 98.775 Kgs of Tobacco products were seized. There are totally 2 accused persons in this case and the petitioner has been arrayed as A1.

3.The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner has nothing to do with the alleged offences. The learned Counsel further submitted that the petitioner is confined at Sub Jail, Thirumangalam and it has been wrongly mentioned in the petition as Central Prison, Madurai.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that huge quantity of Tobacco products were seized from A1 and A2. That apart, there are two previous cases against the petitioner for various other offences.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the incriminating tobacco products have already been seized by the respondent police and this petitioner has already suffered incarceration from 09.10.2024 onwards, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily from 11.11.2024 at 10.30 a.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
05/11/2024

/ TRUE COPY /

05/11/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT, SUB JAIL, THIRUMANGALAM.

4 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.VIJAYENDIRAN, Advocate (SR-13611[I] dated 05/11/2024)



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ORDER

IN

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Date :05/11/2024

RS//SAR-(05.11.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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